

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN BLACKBURN, as Personal
Representative of the Estate for
GLADYS R. BLACKBURN, deceased,

Plaintiffs,

Case No. 17-cv-11179
Hon. Matthew F. Leitman

v

WAL-MART STORES EAST, LP
and/or WAL-MART STORES, INC.

Defendant.

**ORDER GRANTING AUTHORITY TO SETTLE PERSONAL
INJURY SURVIVOR'S CASE AND TO DISTRIBUTE THE PROCEEDS**

This matter having come before the court upon the filing and reading of Plaintiff's Motion Seeking Authority to Settle Personal Injury Survivor's Claim and to Distribute Proceeds, at a hearing involving the taking of sworn testimony having been conducted in open court on January 8, 2019 at 11:00 a.m., and with the court being otherwise fully advised in the premises;

NOW, THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED that Steven Blackburn, as Personal Representative of the Estate of Gladys R. Blackburn, is empowered by this Honorable Court to settle the claim against Defendants, for the total sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars.

IT IS FURTHER ORDERED AND ADJUDGED that the Personal Representative is authorized and empowered to sign any and all necessary documents to effectuate said settlement, including releases, drafts, checks, etc.;

IT IS FURTHER ORDERED AND ADJUDGED that from the gross proceeds the following costs, liens and attorney fees and distribution of proceeds are hereby approved of as reasonable and necessary and in the best interest of the Estate to settle this cause of action pursuant to MCL 600.2921:

1. Miscellaneous and litigation expenses and costs to THE SAM BERNSTEIN LAW FIRM in the amount of Three Thousand Nine Hundred Fifteen and 61/100 (\$3,915.61);

2. Attorney fees to THE SAM BERNSTEIN LAW FIRM in the amount of Forty Eight Thousand Six Hundred Ninety Four and 75/100 (\$48,694.75) Dollars;

3. Medicare lien in the amount of Thirty Five Thousand Five Hundred Eighty Five and 76/100 (\$35,585.76) Dollars for reimbursement for paid medical benefits;

4. Equian, retained by UAW Retiree Medical Benefits Trust, lien in the amount of Four Thousand Eight Hundred Seventy Five and 28/100 (\$4,875.28) Dollars for reimbursement for paid medical benefits;

5. Residual amount payable to Steven Blackburn as Personal Representative of the Estate of Gladys R. Blackburn in the amount of Fifty Six Thousand Nine Hundred Twenty Eight and 60/100 (\$56,928.60) Dollars to be distributed as follows;

- a. Steven Blackburn- \$9,488.10;
- b. John Blackburn- \$9,488.10;
- c. Chester Blackburn- \$9,488.10;
- d. Diane Smotherman- \$9,488.10;
- e. Linda Tinker- \$9,488.10;
- f. Lisa Blackburn Holth- \$9,488.10;

6. That The Sam Bernstein Law Firm shall take all steps necessary to satisfy the Medicare lien claimed in the amount of Thirty Five Thousand Five Hundred Eighty Five and 76/100 (\$35,585.76) Dollars for paid medical benefits;

7. That The Sam Bernstein Law Firm shall indemnify and hold harmless Defendants Wal-Mart Stores East, LP and/or Wal-Mart Stores, Inc. from any and all claims for payment or reimbursement of the Medicare lien identified in paragraphs 3 and 6 above.

8. That a copy of the check sent for payment or reimbursement of the Medicare lien identified in paragraphs 3 and 6 above from The Sam Bernstein Law Firm shall be served upon Attorneys for Defendants.

IT IS FURTHER ORDERED AND ADJUDGED that this Honorable Court finds that the settlement is fair, reasonable, appropriate and in the best interest of the Estate;

IT IS SO ORDERED AND ADJUDGED.

/s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 10, 2019

Approved as to form:

/s/ Edmund O. Battersby

EDMUND O. BATTERSBY P35660

Attorney for Plaintiff

Samuel I. Bernstein Assoc.

31731 Northwestern Hwy, Suite 333

Farmington Hills, MI 48334

(248) 737-8400

ebattersby@sambernstein.com

/s/ Richard G. Szymczak

RICHARD G. SZYMCZAK P29230

Attorney for Defendant

Plunkett & Cooney

111 E. Court St., Suite 1B

Flint, MI 48502

(810) 342-7007

rszymczak@plunkettcooney.com